



Order Filed on February 23, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)
Robertson, Anschutz, Schneid, Crane & Partners, PLLC
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Telephone Number: 973-575-0707
Attorneys For Secured Creditor

In Re:

Marie R ST-Phard
aka Marie R St. Phard
aka Marie R Saint Phard
aka Marie R STPhard,

Debtor.

Case No.: 17-12633-JKS

Chapter: 13

Judge: John K. Sherwood

**CONSENT ORDER REGARDING TREATMENT OF POST-PETITION ARREARS
PURSUANT TO FORBEARANCE AGREEMENT**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: February 23, 2021

A handwritten signature in cursive script, appearing to read "J K Sherwood", written over a horizontal line.

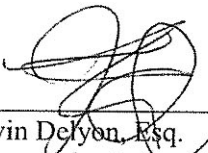
Honorable John K. Sherwood
United States Bankruptcy Court

THIS MATTER having come before the Court on the Debtor's Request to Forbear Mortgage Payments, by and through her counsel, Kevin Delyon, and VRMTG Asset Trust ("Secured Creditor") the Secured Creditor on the Debtor's real property located at 762-764 Stuyvesant Avenue, Irvington, New Jersey 07111 (the "Property"), represented by Robertson, Anschutz, Schneid, Crane & Partners, PLLC, and the parties agreeing to the entry of this Order resolving repayment of forbore mortgage payments, and for good cause shown; it is ORDERED AND DECREED as follows:

1. Secured Creditor filed its Proof of Claim on April 17, 2017 as Claim 6-1. Pursuant to the Proof of Claim, the pre-petition arrears owed Secured Creditor are \$314,523.46. Additionally, the Court entered a prior Order Curing Post-Petition Arrears and Resolving Secured Creditor's Motion for Relief from Stay on December 2, 2019 (*See* Docket Entry No. 77) (the "Prior Order"). The Prior Order reflects that the arrears as of November 1, 2019 in the amount of \$8,448.98 were already capitalized into the Debtor's Plan.
2. On or about October 19, 2020, Secured Creditor filed a Notice of Debtor's Request for Mortgage Forbearance Due to the Covid-19 Pandemic (*See* Docket No. 107). Pursuant to the Notice of Request for Mortgage Forbearance, the parties agreed to forbear post-petition obligations that would come due for one-hundred eighty-three (183) days from April 1, 2020 through and including September 1, 2020.
3. The current post-petition default which has resulted as a result of the Forbearance Agreement includes the October 1, 2020 through and including January 1, 2021 payment, less \$1,698.92 in suspense, for a total of \$9,802.16.
4. The amount of \$9,802.16 shall be capitalized into the Debtor's Chapter 13 Plan and paid to Secured Creditor by the Chapter 13 Trustee in addition to the amount set forth on Secured Creditor's timely filed Proof of Claim. Debtor must file a Modified Plan within fifteen (15) days of the entry of this Order. The Debtor's monthly payment to the Chapter 13 Trustee will be modified to an amount necessary to appropriately fund the Plan in accordance with this Order.
5. The Debtor shall commence ongoing post-petition payments in the amount of \$2,875.27 directly to Secured Creditor commencing on February 1, 2021. This amount is subject to change based on escrow and/or interest rate adjustments.
6. Secured Creditor shall retain its first mortgage lien on the Property and none of its rights are being modified.
7. Creditor reserves the right to pursue relief from stay in the event Debtor does not comply with the provisions of this consent order or if the existing post-petition arrears are not cured in full.
8. The parties agree that this Consent Order in no way alters, amends, or invalidates any applicable bankruptcy remedies afforded to them.

9. Facsimile signatures shall be valid as original signatures and this Consent Order may be executed in counterparts.
10. This order shall be incorporated in and become part of any Order Confirming Plan in the herein matter.

The undersigned hereby consent to the form and entry of the foregoing order.



Kevin Delyon, Esq.
Attorney for Debtor
Date: 2/15/21

/s/ Shauna M. Deluca

Shauna M. Deluca, Esq.
Attorney for Secured Creditor
Date: January 25, 2021